

### REMARKS

In response to the non-final Office Action of July 31, 2007, applicant asks that all claims be allowed in view of the amendments and the following remarks.

Claims 1, 3-6, 8, and 9 are now pending, of which claim 1 is independent. Claims 1, 3-6, 8, and 9 have been amended, and claims 2, 7, and 10-22 have been cancelled. Support for the amendments may be found in the originally filed application at, for example, page 7, lines 1-12; page 10, lines 1-7; and FIG. 2. No new matter has been introduced.

### **Claim Rejections—35 U.S.C. § 102**

Claims 1 and 3-6 have been rejected as being anticipated by U.S. Patent No. 6,714,769 (Kazakevich). Applicant requests reconsideration and withdrawal of this rejection because Kazakevich does not describe or suggest the subject matter of amended claim 1. For example, Kazakevich does not describe or suggest a switching controller that is connected to receive an output signal from a main device and an output signal from a backup device, and that controls a switch, where the switching controller includes a monitor that includes a digital monitor that performs digital monitoring and an analog monitor that performs analog monitoring, as recited in amended claim 1.

Kazakevich relates to techniques for monitoring the quality of signals received by antennas included in a multi-antenna array. See Kazakevich at col. 1, lines 29-32. In one aspect of Kazakevich, the array includes antenna A and antenna B. See Kazakevich at col. 2, lines 15-20. A monitoring circuit 36 operates a switch 34 to alternate connecting an output utilization device to either antenna A or antenna B. See Kazakevich at col. 2, lines 27-34 and FIG. 3. The monitoring circuit 36 monitors signals A and B from the antennas A and B, and, if the quality of the signal B is determined to be better than signal A, the monitoring circuit 36 operates the switch 34 such that a greater number of frames (or time slots) of signal B are sent to the output utilization device. See Kazakevich at col. 2, lines 44-51.

Thus, in Kazakevich, the monitoring device 36 monitors the signal quality of the signals from the antennas in the antenna array and operates the switch 34 such that more frames of the

higher quality signal are sent to the output utilization device. Although Kazakevich discusses various techniques for determining signal quality, there is no indication that the monitoring circuit 36 includes both a digital monitor that performs digital monitoring and an analog monitor that performs analog monitoring. For example, lines 54-64 of column 3 describe analyzing one or two symbols of signal A and signal B at the beginning of a time slot to determine the quality of signal A and signal B, and then deriving the signal for the remainder of the time slot from the antenna selected based on the quality of the signals A and B. See Kazakevich at col. 3, lines 59-64. In another example, lines 20-22 of column 4 discuss a different aspect of Kazakevich that uses a signal-to-noise ratio as the signal quality measurement. However, neither of these portions of Kazakevich, nor any other, indicates that the monitoring circuit 36 includes a digital monitor that performs digital monitoring and an analog monitor that performs analog monitoring.

Accordingly, Kazakevich does not describe or suggest a switching controller that is connected to receive an output signal from a main device and an output signal from a backup device, and that controls a switch, where the switching controller includes a monitor that includes a digital monitor that performs digital monitoring and an analog monitor that performs analog monitoring and where the switching controller controls the switch based on a signal from the monitor, as recited in amended claim 1.

Applicant requests reconsideration and withdrawal of the rejection of claim 1 and claims 3-6, which depend from claim 1.

### **Claim Rejections—35 U.S.C. § 103**

Claim 8, which depends from claim 1, has been rejected as being unpatentable over Kazakevich in view of U.S. Patent No. 6,016,316 (Moura). Moura does not remedy the failure of Kazakevich to describe or suggest the features of claim 1 that, as noted above, Kazakevich does not describe or suggest, nor does the Office Action contend that Moura does so. Accordingly, applicant requests withdrawal of this rejection.

Claim 9, which depends from claim 1, has been rejected as being unpatentable over Kazakevich in view of Moura and U.S. Patent No. 5,007,050 (Kasparian). Kasparian, like

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Moura, does not remedy the failure of Kazakevich to describe or suggest the features of claim 1 that, as noted above, Kazakevich does not describe or suggest, nor does the Office Action contend that Kasparian does so. Accordingly, applicant requests withdrawal of this rejection.

### **Conclusion**

Applicant submits that all claims are in condition for allowance.

It is believed that all of the pending issues have been addressed. However, the absence of a reply to a specific rejection, objection, issue, or comment, including the Office Action's characterizations of the art, does not signify agreement with or concession of that rejection, issue, or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment or cancellation of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment or cancellation. Applicant reserves the right to prosecute the rejected claims in further prosecution of this or related applications.

Pursuant to 37 CFR §1.136, applicant hereby petitions that the period for response to the Office Action dated July 31, 2007, be extended for two months to and including December 31, 2007.


Fees in the amount of \$460 in payment for the Petition for Extension of Time fee are being paid concurrently herewith on the Electronic Filing System (EFS) by way of Deposit Account authorization. No additional fee is believed due. Please apply any other charges or credits to deposit account 06-1050.

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Respectfully submitted,

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